

**BOUCHARD MARGULES & FRIEDLANDER**

A PROFESSIONAL CORPORATION  
SUITE 1400  
222 DELAWARE AVENUE  
WILMINGTON, DELAWARE 19801  
(302) 573-3500  
FAX (302) 573-3501

DAVID J. MARGULES

DIRECT DIAL  
(302) 573-3530  
DMARGULES@BMF-LAW.COM

August 15, 2008

**BY CM/ECF FILING**

The Honorable Vincent J. Poppiti  
Blank Rome, LLP  
1201 Market Street, Suite 800  
Wilmington, DE 19801

Re: *Honeywell International, Inc., et al. v. Apple Computer, Inc., et al.*  
C.A. No. 04-1338-JJF (Consolidated)

Dear Judge Poppiti:

Further to our letter of August 1, 2008 to Judge Farnan (D.I. 1111), Defendants Citizen Watch Co., Ltd. and Citizen Displays Co., Ltd. (collectively "Citizen") respectfully seek guidance regarding the status of its pending Motion for Summary Judgment. The Motion has now been fully briefed according to Judge Farnan's posted Summary Judgment procedures. However, in light of Judge Farnan's Oral Order of August 1, 2008, stating that this case was "referred to the Special Master for all matters through and including Summary Judgment," Citizen is unclear about the manner of and anticipated timing for its disposition. Citizen also requests a telephonic conference to clarify the procedural status of the Motion at Your Honor's convenience before the September 4<sup>th</sup> hearing on case reconfiguration.

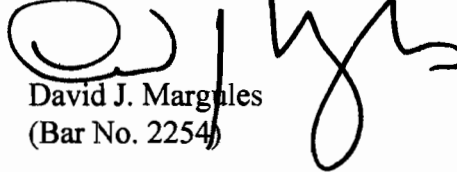
After two and a half years of litigation and the close of discovery, Honeywell has been unable to produce *any* evidence that Citizen directly or indirectly infringed its patent. Moreover, even if Honeywell were able to support any of its claims against Citizen, its damages would be limited to a mere 1,000 modules that a third party may have imported into the United States without Citizen's knowledge. Despite these clear facts, Citizen has been forced to litigate its case alongside the remaining manufacturer defendants through the close of discovery and Markman hearing, thereby incurring attorneys fees that far exceed any potential liability. For these reasons, Judge Farnan granted Citizen, and only Citizen, immediate leave to file its Motion for Summary Judgment in his April 2nd hearing. (Ex. A at 19-20).

{BMF-W0104518.2}

Almost four months have now passed since Citizen filed its Motion for Summary Judgment, which set forth its clear case of noninfringement. Citizen's Motion has been fully briefed according to Judge Farnan's posted procedures, and is ripe for decision independent of the current disputes regarding case reconfiguration and discovery related to commercial success. Citizen is concerned that further delay of a decision on its Motion until after these unrelated issues are addressed by Your Honor will force Citizen to incur further unnecessary attorneys fees and delay.

Citizen therefore requests a telephonic conference with Your Honor before the September 4<sup>th</sup> oral hearing to clarify the procedural status of its Motion and to provide guidance on the manner of and anticipated timing for its disposition.

Respectfully,

  
David J. Margules  
(Bar No. 2254)

cc: Clerk of the Court (by CM/ECF)  
All Counsel of Record (by CM/ECF)